

## **LISTING OF THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Previously Presented) Apparatus for containing sterilized edible material, which comprises:  
a thin wall sealed container containing edible material sterilized in a sterilization process and an inert gas under pressure, the side wall of the container being maintained rigid by the pressure of the inert gas but being easily deformable in the absence of such pressure, the container having a top end and a bottom end with the top end extending downwardly from an upper chime at the side wall and then extending inwardly of the side wall, the top end having a raised portion being formed inwardly of the side wall,

the raised portion having an upper surface which is substantially the same height as the upper chime or higher, the top defining a concavity adjacent to and inward of the raised portion, the concavity having a concave slope relative to the inside of the container, and being made of a material and having a thickness and shape such that said concavity will retain a substantially concave slope before, during and after said sterilization process but will become convex only if there is any additional gas pressure generated due to bacterial action in the pressurized, sealed container.

2. (Original) Apparatus in accordance with claim 1, further including an internal bead formed in the side wall of the container and extending inwardly of the side wall.

3. (Original) Apparatus in accordance with claim 2, wherein the internal bead is structured and arranged such as to not interfere with a can opener used to open the container.

4. (Original) Apparatus in accordance with claim 1, further including an internal bead formed in the top end of the container and extending downwardly from said top end.

5. (Original) Apparatus in accordance with claim 4, wherein the internal bead is structured and arranged such as to not interfere with a can opener used to open the container.

6. (Withdrawn) Apparatus in accordance with claim 1, further including a first internal bead formed in the side wall of the container and extending inwardly of the side wall and a second formed in the top end of the container and extending downwardly from the top end.  
internal bead

7. (Withdrawn) Apparatus in accordance with claim 6, wherein the first and second beads are structured and arranged such as not to interfere with a can opener used to open the container.

8. (Withdrawn) Apparatus in accordance with claim 1, wherein the top end has a diameter and the concavity has a diameter smaller than a diameter of the side wall of the container.

9. (Withdrawn) Apparatus in accordance with claim 8, wherein the top end has a flat portion immediately adjacent the side wall and the concavity is formed inwardly of said flat portion.

10. (Withdrawn) Apparatus in accordance with claim 9, wherein the bottom end has a diameter and further has a concavity formed in the bottom end having a diameter smaller than a diameter of the side wall of the container.

11. (Withdrawn) Apparatus in accordance with claim 8, wherein the bottom end has a flat portion immediately adjacent the side wall and the concavity is formed inwardly of said flat portion.

12. (Withdrawn) Apparatus in accordance with claim 1, wherein the top end has a diameter and the concavity formed in the top end has a diameter smaller than a diameter of the side wall of the container and the bottom end has a diameter and further has a concavity formed in the bottom end having a diameter smaller than a diameter of the side wall of the container.

13. (Withdrawn) Apparatus in accordance with claim 12, wherein the top end and the bottom end have respective flat areas immediately adjacent the side wall of the container and the respective concavities of the top end and the bottom end are formed inwardly of the side wall of the container.

14. (Withdrawn) Apparatus in accordance with claim 9, wherein the top end is an easy open end having a pull tab and a score line and the concavity is formed inwardly of said score line.

15. (Original) Apparatus in accordance with claim 1, wherein the top end includes a depressed area immediately adjacent the side wall of the can and the raised portion is located adjacent and inwardly of the depressed portion.

16. (Canceled)

17. (Previously Presented) Apparatus in accordance with claim 1, wherein the upper surface of the raised portion has a height higher than said upper chime.

18. (Previously Presented) Apparatus in accordance with claim 1, wherein the upper surface of the raised portion is flat and is at a height which is substantially the same as a height of the upper chime.

19. (Original) Apparatus in accordance with claim 1, wherein the bottom end of the container includes a lowered portion, the lowered portion being formed inwardly of the side wall.

20. (Original) Apparatus in accordance with claim 19, wherein the bottom end includes a depressed area immediately adjacent the side wall of the can and the lowered portion is located adjacent and inwardly of the depressed portion.

21. (Original) Apparatus in accordance with claim 20, in which the bottom end includes a concave portion located adjacent to and inwardly of the lowered portion.

22. (Original) Apparatus in accordance with claim 21, wherein the container includes a lower chime and the lower portion has a lower flat portion, a depth of which is substantially the same as a depth of the lower chime.

23. (Withdrawn) Apparatus for containing contents under pressure and for preventing splashing when opening thereof, which comprises:

a container having a side wall, top end and a bottom end for containing a product under pressure; and

an internal splash guard for preventing the splashing of the contents upon opening of the container.

24. (Withdrawn) Apparatus in accordance with claim 23, wherein the splash guard comprises an internal bead formed in the side wall of the container and extending inwardly of the side wall.

25. (Withdrawn) Apparatus in accordance with claim 24, wherein the internal bead is structured and arranged such as to not interfere with a can opener used to open the container.

26. (Withdrawn) Apparatus in accordance with claim 24, wherein the splash guard comprises another internal bead formed in the top end of the container and extending downwardly from said top end.

27. (Withdrawn) Apparatus in accordance with claim 24, wherein the other internal bead is structured and arranged such as to not interfere with a can opener used to open the container.

28. (Withdrawn) Apparatus in accordance with claim 23, wherein the splash guard

comprises a first internal bead formed in the side wall of the container and extending inwardly of the side wall and a second internal bead formed in the top end of the container and extending downwardly from the top end.

29. (Withdrawn) Apparatus in accordance with claim 28, wherein the first and second beads are structured and arranged such as not to interfere with a can opener used to open the container.

30. (Withdrawn) An improved can having increased volume as compared to a conventional can having a chime diameter D1, an outside can diameter D2 and an inside can diameter D3, wherein  $D1 > D2 > D3$ , the improved can having a chime diameter D4, an outside can diameter D5 and an inside can diameter D6, wherein  $D1 = D4$ ,  $D4 \geq D5 > D2$  and  $D6 \geq D2$ .

31. (Withdrawn) An improved can in accordance with claim 30, wherein the can has an upper portion with a reduced outside can diameter sized to accommodate a can opener.

32. (Withdrawn) An improved can in accordance with claim 30, wherein the can has an easy open end.

#### MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail to in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, Alexandria, VA 22313-1450, on July 6, 2005.

Martin Pfeffer

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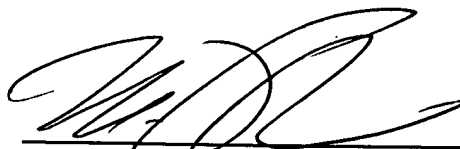
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Respectfully submitted,



Martin Pfeffer

Registration No.: 20,808

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212)